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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,531	07/25/2003	John Harvey	030299	2906

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/627,531

Applicant(s)

HARVEY, JOHN

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- are rejected under 35 U.S.C. 102(e) as being anticipated by Anthony et al. (US Patent No. 6,559,769).

Claim 17:

Anthony discloses an apparatus for providing a virtual fence for use with a delivery vehicle, the method comprising steps of:

- a. Means for detecting a protection event (flight control environment)
- b. Means for determining that the protection event is an activation event (alarm situation); and
- c. Means for activating a selected virtual fence based on the activation event.

See col. 11, lines 30-43.

Claim 18:

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In the system of Anthony's means for determining that the activation event is a sub-event, and means for activating the selected virtual fence based the sub-event.

Claim 19:

The system in Anthony inherently includes means for activating one of a boundary fence, a perimeter fence, and a route fence based on the sub-event.

Claims 1-5:

The rejection of claims 1-5 recites the rejection of claim 17-20, except they are method claims.

Claim 8:

The rejection of claim 8 follows the rejection of claim 17. One skilled in the art would have readily recognized that the system in Anthony inherently includes input logic to receive protection signal and fence logic operating to detect an activation event based on the protection signal.

Claims 9-10 and 14:

In Anthony, the input logic can be operator input or sensor input. Col. 8, first paragraph.

Claims 12-13 and 15:

The input logic in Anthony is a position signal and the protection signal is a position signal.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 20- are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al. (US Patent No. 6,559,769).

Claims 11 and 20:

Anthony suggest that the effectuation of geofencing can also be applied to trucks or other transportation means. Col. 11, lines 30-34. Thus, it would have been obvious to one skilled in the art to use the Anthony geofencing system on a delivery vehicle as desired. Though there is no specific disclosure in the reference about the sub-event being one that occurs when the trailer portion is unhooked from a tractor portion of a delivery vehicle, one skilled in the art would have readily recognized that the circumstances which appear to deviate from expected standards

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would effectuate geofencing of the vehicle. One skilled in the art would activate geofencing under such circumstance as desired.

Claim 21:

The apparatus in Anthony comprises means for determining if the vehicle is moved outside the selected virtual fence. One skilled in the art would have readily recognized determining if the trailer is moved outside the selected virtual fence as desired depending on what the implementer wants to the system to detect.

Claim 22:

Though not disclosed in Anthony, a skilled artisan would have readily recognized deactivating a virtual fence based on the activation event if an activation event is one of the normal, expected situations.

Claim 16 and 23:

Anthony discloses outputting a vehicle message that is used to control a vehicle control system. Col. 5, second paragraph.

Claim 24:

The rejection of claim 24 recites that rejection of claim 17. It would have been obvious to one skilled in the art that the Anthony system inherently includes a computer-readable medium comprising computer-executable instruction to perform the function disclosed.

Claims 6-7:

The rejection of claims 6 and 7 recites the rejection of claim 20 and 22, except they are method claims.

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*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Teckchandani et al., US Patent No. 6,816,190, discloses a mobile asset security and monitoring system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on Mon-Fri 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu  
Primary Examiner  
Art Unit 2636

Dec. 12, 04